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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,257	02/14/2002	Douglas M. Crockett	020196	3308
23696	7590	02/27/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 02/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,257

Applicant(s)

CROCKETT ET AL.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-7, 11-13, 16-17, 21-23, 26-27, 31-33 and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Mathis (U.S. Pub No. 20030119540).

Regarding claims 1, 11, 21 and 31, Mathis teaches in a communication device (see fig. 1), a method for initiating a group call in a group communication network (see fig. 4, page 1, session [0002]) comprising: receiving a member list from a user (see figs. 1 and 4, page 1, session [0002]); and sending a request to a server to initiate the group call based on the received member list (see fig. 1, page 1, sessions [0004] and [0009]).

Regarding claims 2, 12, 22 and 32, Mathis teaches the receiving a response from the server indicating that the initiating the group call is in progress (see page session [0004], lines 6-14).

Regarding claims 3, 13, 23 and 33, Mathis teaches the alerting the user to provide media (see page 2, session [0017]); and buffering the media for transmission after a traffic channel is re-established (see page 1, session [0002] lines 16-22).

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Regarding claims 6, 16, 26 and 36, Mathis teaches including re-establishing traffic channel for the communication device (see page 2, session [0018] and page 3, session [0019]).

Regarding claims 7, 17, 27 and 37, Mathis teaches including re-establishing traffic channel for the communication device simultaneously with the sending the request (see page 2, session [0018]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 14-15, 24-25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathis (U.S. Pub No. 20030119540) in view of Diep (U.S. Pub No. 20030048764).

Regarding claims 4, 14, 24 and 34, Mathis fails to teach the transmitting the request on a reverse access channel (R-ACH) of a wireless network.

However, Diep teaches the transmitting the request on a reverse access channel (R-ACH) of a wireless network (see page 5, table 8 and session [0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mathis system and by providing of the teaching of Diep on the

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reverse link access channel, thereto in order to provide user wants to become a talker may request the reverse traffic channel by sending this message to the base station.

Regarding claims 5, 15, 25 and 35, Mathis fails to teach the transmitting the request on a reverse enhanced access channel (R-EACH) of a wireless network.

However, Diep teaches the transmitting the request on a reverse enhanced access channel (R-EACH) of a wireless network (see fig. 4, page 4, table 7 and session [0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mathis system and by providing of the teaching of Diep on the reverse enhanced access channel, thereto in order to provide user to share signaling channel for forward link.

5. Claims 8-10, 18-20, 28-30 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathis (U.S. Pub No. 20030119540) in view of Wang (U.S. Pub No. 20020055364).

Regarding claims 8, 18, 28 and 38, Mathis fails to teach the renegotiating a radio link protocol (RLP) for the communication device.

However, Wang teaches the renegotiating a radio link protocol (RLP) for the communication device (see page 3, session [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mathis system and by providing of the teaching of Wang on the

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radio link protocol (RLP) initialization process, thereto in order to provide user with packet data service call control function enters the connection state easier.

Regarding claims 9, 19, 29 and 39, Mathis fails to teach the renegotiating a radio link protocol (RLP) for the communication device simultaneously with the sending the request.

However, Wang teaches the renegotiating a radio link protocol (RLP) for the communication device simultaneously with the sending the request (see page 3, session [0034-0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mathis system and by providing of the teaching of Wang on the radio link protocol (RLP) initialization process, thereto in order to provide user with packet data service call control function and request reverse high speed operation easier.

Regarding claims 10, 20, 30 and 40, Mathis fails to teach the transmitting the request in short data burst (SDB) form.

However, Wang teaches the request in short data burst (SDB) form (see page 4, session [0053]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Mathis system and by providing of the teaching of Wang on the short data burst (SDB), thereto in order to provide user to send the short data burst message or SMS message easier.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vishwanathan (U.S. Pub No. 20030017836) discloses system and method of group calling in mobile communications.

Ahvenainen (U.S. Patten No. 5,852,781) discloses establishing a group call in a mobile radio system.

Heiskari (U.S. Patten No. 5, 930,723) discloses establishing an expanded group call in a mobile communication system.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
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Feb. 18, 2004

Mark Conner
Primary Examiner